

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SELECT RETRIEVAL, LLC,

Plaintiff,

v.

BULBS.COM INC.,

Defendant.

Civil Action No. _____

JURY TRIAL REQUESTED

COMPLAINT

Plaintiff Select Retrieval, LLC (“Select Retrieval” or “Plaintiff”), by way of Complaint against Defendant Bulbs.com Inc. (“Bulbs.com” or “Defendant”), hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, *et seq.*

THE PARTIES

2. Plaintiff Select Retrieval is a limited liability company organized under the laws of Texas with its principal place of business in Hewitt, Texas.

3. Defendant Bulbs.com is a corporation organized under the laws of Delaware with its principal place of business at 243 Stafford Street, Worcester, MA 01603.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

5. This Court has personal jurisdiction over Defendant for at least the following reasons: (i) Bulbs.com maintains its principal place of business in this District; (ii) Bulbs.com has committed acts of patent infringement in this District and elsewhere in the United States; and (iii) Bulbs.com regularly does business or solicits business, engages in other persistent courses of conduct, and/or derives substantial revenue from products and/or services provided to individuals in this District and in this Commonwealth.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,128,617

6. Select Retrieval repeats and re-alleges the allegations of paragraphs 1 through 5 as if fully set forth herein.

7. On October 3, 2000, United States Patent No. 6,128,617 (hereinafter referred to as the “‘617 Patent”), entitled DATA DISPLAY SOFTWARE WITH ACTIONS AND LINKS INTEGRATED WITH INFORMATION, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘617 Patent is attached as Exhibit A to this Complaint.

8. Select Retrieval is the assignee and owner of the right, title, and interest in and to the ‘617 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

9. Without license or authorization, Bulbs.com has directly and indirectly infringed and continues to directly and indirectly infringe one or more claims of the ‘617 Patent in this judicial district and elsewhere in the United States at least by making, using, owning, operating and/or maintaining one or more websites, including but not limited to, www.bulbs.com, that embody the inventions claimed in the ‘617 Patent.

10. On October 17, 2011, Select Retrieval filed suit against Bulbs.com for infringement of the '617 Patent related to Bulbs.com's use of products and services on the Internet using methods and instrumentalities that embody the inventions claimed in the '617 Patent in an action styled: *Select Retrieval, LLC v. AmeriMark Direct LLC, et al.*, Case No. 1:11-cv-00812, pending in the United States District Court for the District of Delaware ("the Delaware action"). Bulbs.com has had actual knowledge of the '617 Patent since at least December 15, 2011, when Bulbs.com was served with Select Retrieval's First Amended Complaint in the Delaware action.

11. Upon information and belief, since at least December 15, 2011, Bulbs.com has committed and continues to commit acts of contributory infringement of the '617 Patent under 35 U.S.C. § 271(c) in that Bulbs.com has made, used, sold, and/or offered to sell, or continues to make, use, sell, and/or offer to sell services and products, including its website www.bulbs.com, which have no substantial non-infringing uses, and provides such services and products to its customers and users of its website(s), whose use of such services and products constitutes direct infringement of the '617 Patent.

12. Upon information and belief, since at least December 15, 2011, Bulbs.com has induced and continues to induce others to infringe the '617 Patent under 35 U.S.C. § 271(b) by, among other things, actively and knowingly aiding and abetting others to infringe, including but not limited to customers and users of its website(s), such as www.bulbs.com, whose use of such services and products constitutes direct infringement of the '617 Patent.

13. Upon information and belief, Bulbs.com's infringement of the '617 Patent since at least December 15, 2011, has been and continues to be willful and deliberate.

14. Because of Bulbs.com's infringement, inducement of infringement, contributory infringement, and willful infringement of the '617 Patent, Select Retrieval has suffered damages and will continue to suffer damages in the future.

JURY DEMAND

15. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Select Retrieval demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Select Retrieval respectfully demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '617 Patent;
- B. An award of damages to be paid by Defendant adequate to compensate Select Retrieval for its past infringement of the '617 Patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and enhanced damages for any willful infringement as justified under 35 U.S.C. § 284 and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Select Retrieval of such further relief at law or in equity as the Court deems just and proper.

Respectfully submitted,

Dated: March 1, 2012

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